

HOUSE CONCURRENT RESOLUTION NO. 1014

A CONCURRENT RESOLUTION, Urging the members of the United States Congress to propose the Parental Rights Amendment to the states for ratification.

WHEREAS, the right of parents to direct the upbringing and education of their children is a fundamental right protected by the Constitutions of the United States and the State of South Dakota, and our nation has historically relied first and foremost on parents to meet the real and constant needs of children; and

WHEREAS, the interests of children are best served when parents are free to make childrearing decisions about education, religion, and other areas of a child's life without state interference; and

WHEREAS, the United States Supreme Court, in *Wisconsin v. Yoder* (1972), held that the primary role of parents in the upbringing of their children is established beyond debate as an American tradition; and later, in *Troxel v. Granville* (2000), produced six different opinions on the nature and enforceability of parental rights under the United States Constitution that create confusion and ambiguity about the fundamental nature of parental rights in the laws of our nation and in the states; and

WHEREAS, United States Senator James DeMint of South Carolina and United States Representative Peter Hoekstra of Michigan have introduced in the United States Congress an amendment to the United States Constitution providing that the liberty of parents to direct the upbringing and education of their children is a fundamental right that may not be infringed upon by the United States or any state without demonstrating that its governmental interest as applied to the person is of the highest order and not otherwise served; and

WHEREAS, this amendment will add explicit text to the Constitution of the United States to protect in perpetuity the rights of parents as they are now enjoyed without substantive change to current federal or state laws respecting these rights; and

WHEREAS, such enumeration of these rights in the text of the Constitution will preserve them from being infringed upon by the shifting ideologies and interpretations of the United States Supreme Court:

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-fifth

Legislature of the State of South Dakota, the Senate concurring therein, that the South Dakota Legislature hereby affirms the Parental Rights Amendment to the United States Constitution as referenced herein and as presented to the United States Congress by Senator James DeMint and Representative Peter Hoekstra, and urges Congress to propose the Parental Rights Amendment to the states for ratification; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the President of the United States, the Majority Leader and the Minority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to each member of South Dakota's congressional delegation.

Adopted by the House of Representatives,
Concurred in by the Senate,

March 9, 2010
March 10, 2010

Timothy A. Rave
Speaker of the House

Karen Gerdes
Chief Clerk of the House

Dennis Daugaard
President of the Senate

Trudy Evenstad
Secretary of the Senate